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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/808,120	03/15/2001	Hsiang-Chun Lu	3626-0180P	4609
2292	7590	12/22/2005	EXAMINER	
BIRCH STEWART KOLASCH & BIRCH			SUBRAMANIAN, NARAYANSWAMY	
PO BOX 747			ART UNIT	PAPER NUMBER
FALLS CHURCH, VA 22040-0747			3624	

DATE MAILED: 12/22/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/808,120

Applicant(s)

LU, HSIANG-CHUN

Examiner

Narayanswamy Subramanian

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 15 March 2001.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-11 is/are pending in the application.
- 4a) Of the above claim(s) 7-10 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-6 and 11 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 15 March 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

### **DETAILED ACTION**

1. This office action is in response to applicants' communication filed on March 15, 2001. Claims 1-11 pending in the application are subject to restriction as discussed below. Claims 7-10 are withdrawn from consideration as being drawn to a non-elected invention. Applicants are respectfully requested to cancel the non-elected claims 7-10 in response to this office action. Claims 1-6 and 11 have been examined. The election/restriction, objections and rejections are stated below.

#### ***Election/Restrictions***

2. Restriction to one of the following inventions is required under 35 U.S.C. 121:

I. Claims 1-6 and 11, drawn to an associate web site shopping method implemented in a main web site, comprising the steps of: providing the consumer a hyperlink element linking to the associate web site; transmitting a consumer ID and a confirmation code to the associate web site for verifying the consumer's identity when the consumer selects the hyperlink element; receiving trade information transmitted from the associate web site that is related to a purchase action performed by the consumer regarding a commodity sold at the associate web site; billing to the consumer according to the trade information; and placing an order with the associate web site whereby the associate web site sends out the commodity according to the trade information, classified in class 705, subclass 37.

II. Claims 7-10, drawn to an associate web site shopping method implemented in the associate web site, the method comprising the steps of: receiving a consumer ID and a confirmation code transmitted from a main web site; verifying the consumer's identity using the consumer ID and the confirmation code to verify that the consumer is hyperlinked from the main

web site; receiving a purchase action performed by the consumer about a commodity; transmitting trade information related to the purchase action to the main website; receiving an order transmitted from the main web site; and sending out the commodity according to the trade information, classified in class 705, subclass 37.

The inventions are distinct, each from the other because of the following reasons:

3. Inventions I and II are related as sub combinations disclosed as usable together in a single combination. The sub combinations are distinct from each other if they are shown to be separately usable. In the instant case, invention I relates to an associate web site shopping method implemented in a main web site, whereas invention II relates to an associate web site shopping method implemented in the associate web site. It is evident from the preamble and the steps of the two inventions that the inventions are different in scope and utility. See MPEP § 806.05(d). Because these inventions are distinct for the reasons given above and the search required for Group I is not required for Group II, restriction for examination purposes as indicated is proper, even though they are classified in the same class and subclass.

4. After a telephone call made to Mr. Joe McKinney Muncy on November 10, 2005 to request an oral election to the above restriction requirement, a provisional election was made with traverse to prosecute claims 1-6 and 11 of invention I. Accordingly claims 7-10 are withdrawn from consideration as being drawn to a non-elected invention. Applicants are respectfully requested to cancel the non-elected claims 7-10 in response to this office action.

#### ***Claim Objections***

5. Claim 11 is objected to under 37 CFR 1.75 as being a substantial duplicate of claim 6. When two claims in an application are duplicates or else are so close in content that they both

cover the same thing, despite a slight difference in wording, it is proper after allowing one claim to object to the other as being a substantial duplicate of the allowed claim. See MPEP § 706.03(k). Applicants are respectfully advised to cancel or amend one of the claims.

***Claim Rejections - 35 USC § 112***

6. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

7. Claims 2, 6 and 11 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 2 recites the limitation “accepting the bill”. It is not clear as to who is accepting the bill. Is accepting the bill done by the main website or the consumer or some other party. Clarification is required.

Claims 6 and 11 recite the limitations “the main web site further stores the receiver's name and the receiver's address; and the associate web site sends out the commodity according to the receiver's name and the receiver's address”. There is no antecedent basis for these limitations as it is not clear who the receiver is. Is the receiver the same as the consumer or is it some other party? Clarification is required.

***Claim Rejections - 35 USC § 103***

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person

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having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. Claims 1-6, and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Teper et al (US Patent 5,815,665) in view of Grate et al (US Patent 5,956,483).

Claim 1, Teper teaches an associate web site shopping method implemented in a main web site, comprising the steps of: providing the consumer a hyperlink element linking to the associate web site (See Teper Column 9 lines 38-46, the brokering service website is the main web site and the service provider site is the associate web site); receiving trade information transmitted from the associate web site that is related to a purchase action performed by the consumer regarding a commodity sold at the associate web site (See Teper Column 5 lines 38-41); billing to the consumer according to the trade information (See Teper Column 6 lines 46-49); and placing an order with the associate web site (See Teper Column 11 lines 46-50 and Column 13 lines 6-10) whereby the associate web site sends out the commodity according to the trade information (old and well known. This step helps in the completion of the transaction). The services provided by the service provider site are interpreted to include commodities such as movies, TV shows etc (See Teper Column 8 lines 16-20).

Teper does not explicitly teach the step of transmitting a consumer ID and a confirmation code to the associate web site for verifying the consumer's identity when the consumer selects the hyperlink element.

Grate teaches the step of transmitting a consumer ID and a confirmation code to the associate web site for verifying the consumer's identity when the consumer selects the hyperlink

element (See Grate Column 6 lines 16-35 and 48-52). The process of launching and interacting with external programs is interpreted to include this feature.

Both Grate and Teper are concerned with facilitating online transactions. It would have been obvious to one of ordinary skill in the art to modify Teper to include the teachings of Grate. The combination of disclosures suggests that users would have benefited from accessing and shopping at various merchant sites without having to login and re-enter their password for each merchant site visited.

Claim 2, Teper teaches the step of accepting the bill according to the trade information from the associate web site (See Teper Column 11 lines 52-59).

Claim 3, Teper teaches the step of providing the associate web site a confirmation mechanism for the associate web site to verify the consumer's identity before transmitting the ID and the confirmation code to the associate web site (See Teper Column 6 lines 28-34, the steps of exchanging encrypted messages between the two sites for the purposes of authenticating registered users, obtaining and updating user access rights is interpreted to include this feature).

Claim 4, Teper teaches the step of accepting a confirmation message regarding the confirmation code from the associate web site after transmitting the ID and the confirmation code to the associate web site (See Teper Column 6 lines 28-34, the steps of exchanging encrypted messages between the two sites for the purposes of authenticating registered users, obtaining and updating user access rights is interpreted to include this feature).

Claim 5, Teper teaches the step wherein the trade information includes the ID, the confirmation code, the commodity data, and the commodity quantity (See Teper Column 3 lines

34-41). The billing charge is interpreted to include the commodity data, and the commodity quantity.

Claims 6 and 11, Teper teaches the step wherein the main web site further stores the receiver's name and the receiver's address (See Teper Column 6 lines 4-8); and the associate web site sends out the commodity according to the receiver's name and the receiver's address (old and well known. This step helps in the completion of the transaction). The term "receiver" is interpreted to include a "user".

### ***Conclusion***

10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

(a) Garrett (US Patent 6,473,738 B1) (October 29, 2002) Multiple-Person Buying Information System with Application to On-line Merchandizing

(b) Bezos et al (US Patent 6,029,141) (February 22, 2000) Internet-Based Customer Referral System

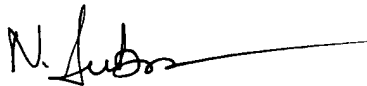
(c) Cockrill et al (US Patent 6,473,740 B2) (October 29, 2002) Electronic Commerce Using a Transaction Network

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dr. Narayanswamy Subramanian whose telephone number is (571) 272-6751. The examiner can normally be reached Monday-Thursday from 8:30 AM to 7:00 PM. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vincent Millin can be reached at (571) 272-6747. The fax number for Formal or Official faxes and Draft to the Patent Office is (571) 273-8300.



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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PMR or Public PAIR. Status information for unpublished applications is available through Private PMR only. For more information about the PMR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

A handwritten signature in black ink, appearing to read 'N. Subramanian', with a long horizontal line extending to the right.

Dr. N. Subramanian  
December 18, 2005